

ACT 48

H.B. NO. 2882

A Bill for an Act Relating to the Molokai Irrigation and Water Utilization Project.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. Act 179, Session Laws of Hawaii 1987, added a new section (subsequently designated as section 175-2.5) to chapter 175, Hawaii Revised Statutes, to establish until June 6, 1991, the Molokai irrigation system water users advisory board. Act 306, Session laws of Hawaii 1987, provided for the repeal of chapter 175, Hawaii Revised Statutes, effective July 1, 1989, concurrent with the transfer of the Molokai irrigation system from the department of land and natural resources to the department of agriculture. Act 306's repeal of chapter 175, without exception for the board, literally terminated the board's existence as of July 1, 1989. Notwithstanding the repeal of chapter 175, Hawaii Revised Statutes, it was not the intent of the legislature to terminate this board's existence before the originally specified termination date of June 6, 1991. The purpose of this Act is to clarify the ambiguity as to the status of the Molokai irrigation system water users advisory board and assure continuation of the board until its original expiration date. Further, in view of the brief time remaining to the board and the time required for the designation, appointment and confirmation process, the board members last appointed pursuant to repealed section 175-2.5, Hawaii Revised Statutes, are designated to serve for the balance of the board's duration.

SECTION 2. There is established until June 6, 1991, a Molokai irrigation system water users advisory board, consisting of five members, as follows: a homestead farmer user on Molokai, a non-homestead farmer user on Molokai, a designee of the Molokai farm bureau, a designee of Hikiola Cooperative, Inc., and a designee of the Molokai-Lanai soil and water conservation district. The last members of the Molokai irrigation system water users advisory board to be appointed by the governor pursuant to former section 175-2.5, Hawaii Revised Statutes, shall continue to serve and perform their functions until June 6, 1991, the duration of the board. In the event a member is unable to serve, the governor may appoint a replacement without regard to section 26-34, Hawaii Revised Statutes. The members of the advisory board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties. For administrative purposes, the advisory board shall be placed within the department of agriculture.

SECTION 3. The advisory board shall meet with the department of agriculture at least six times each year. The meetings shall be held on Molokai, whenever possible. The advisory board shall advise the department on matters of concern to the users of the system and shall obtain from the department information regarding the system, including, but not limited to, a long-range plan for the system.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 1990.)